

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH MARK BURTON as the
Administrator of the Estate of FRANKLIN
RAMOS SANCHEZ, MADGA LILIANA
MARTINEZ ACOSTA, Individually and as
m/n/g of F.N.R.M., an Infant, and FRANCY
TATIANA RAMOS MARTINEZ,

Plaintiffs,

v.

UNITED STATES OF AMERICA;
ANTHONY BUSSANICH, M.D., ROBERT
BEAUDOUIN, M.D., TUNESIA MITCHELL,
PA-C, YSMAEL JOAQUIN, MLP, JOHN
DOE, M.D., OPERATIONAL LT. SHIVERS,
BOP JOHN DOE SUPERVISOR 1, BOP JOHN
DOE SUPERVISOR 2, and JOHN/JANE
DOES Nos. 1-10,

Defendants.

MEMO ENDORSED

Case No. 18 CV 2039 (ER) (SDA)

**PROTECTIVE ORDER
GOVERNING THE
MANAGEMENT OF
PHOTOGRAPHIC INFORMATION**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC # _____
DATE FILED: December 13, 2019

Whereas in Plaintiffs' First Set of Interrogatories (the "Interrogatories"), Interrogatory No. 6, Plaintiffs requested that the United States produce identity photographs of certain Bureau of Prison ("BOP") personnel identified in Defendants' Responses to the Interrogatories (the "Photographs");

Whereas due to the nature of their work, Defendants contend that BOP personnel face a heightened risk to their safety and security which could be exacerbated by distributing photographs of BOP personnel to current and former inmates; and

Whereas the Defendants have represented that certain conditions are necessary to address these safety and security concerns;

IT IS HEREBY ORDERED that Defendants shall produce the Photographs under the following conditions:

1. Defendants shall produce to counsel for the Plaintiffs the following photographs in the manner described below:

a. Officer Jason Miller

- b. Officer Gerald Castillo
- c. Officer Quentin Holzebdorf
- d. Officer Saadiq Shakir
- e. Officer Samuel Yeagley
- f. Officer Rosalind Silva
- g. Activities Lieutenant Glenda Anderson
- h. Activities Lieutenant Robert Pierce
- i. Operations Lieutenant Stanley Jean
- j. Activities Lieutenant Casanova Madison
- k. Operations Lieutenant Glenda Anderson
- l. Operations Lieutenant Lorenzo Barraza
- m. Activities Lieutenant Kimberly Shivers
- n. Operations Lieutenant Tijuana Doctor
- o. Dr. Anthony Bussanich
- p. Dr. Robert Beaudoin
- q. Physician Assistant Tunesia Mitchell
- r. Nurse Terrence Thomas
- s. Mid-Level Practitioner Chito Evangelista
- t. MCC Housing Unit Secretary Stacey Harris
- u. Drug Abuse Program Coordinator Cristina Liberati
- v. Mid-Level Practitioner Ysmael Joaquin
- w. Lieutenant Jeffrey Sewell
- x. Senior Officer Specialist Riano Alvaro
- y. Senior Officer Specialist David Damesquita
- z. Senior Officer Specialist Michael Cannata

- aa. Senior Officer Specialist Ronald West
- bb. Officer Wilson Silva
- cc. SIS Technician America Pina
- dd. Senior Officer Juan Cuevas-Garcia
- ee. Cook Supervisor Adler Canales

2. Defendants shall produce to counsel for Plaintiffs two hard-copy sets of the Photographs.

a. In the first hardcopy set (“Binder 1” or the “Master Binder”), there will be one photograph per page. Each photograph shall be labeled by number and name of the BOP employee. The Master Binder shall be kept at the offices of Plaintiffs’ counsel and kept in a secure location. The Master Binder shall be designated “Confidential Information – Attorney’s Eyes Only” and be afforded treatment specified in the Protective Order governing the disclosure of information in the course of litigating this case, ECF Docket No. 34, dated February 13, 2019.

b. In the second hardcopy set (“Binder 2” or the “Inmate Binder”), there will be one photograph per page. Each photograph shall be labeled by number only. Nothing else shall appear on a Photograph or the page surrounding the Photograph that suggests a person’s name or interaction with the decedent who is the subject of the action, Franklin Sanchez. The Photographs may be shown only to the inmates and former inmates identified in Defendants’ Response to Interrogatory No. 7 (the “Inmates”).

c. Prior to showing a Photograph to an Inmate, the person presenting the Photographs (the “Administrator”) shall ask in sum and substance the following questions:

i. Do you recall any BOP employees, including guards, doctors or other medical professionals, who were present or interacted with Mr. Sanchez while he appeared to be sick or who responded to the emergency when he died/was dying?

ii. For each such incident you recall, was the BOP employee apparently a man, woman or, if you recall more than one employee, were they all men or women, or both men and women?

3. The Photographs are designated “Confidential Information – Attorney’s Eyes Only” except to the extent this agreement permits Plaintiff’s counsel to show them to inmates. The Photographs are subject to the terms and conditions set forth in the Protective Order governing discovery in this case. *See* Dkt. No. 34.

4. Plaintiffs reserve the right to object to these or similar conditions as discovery progresses and/or at trial.

SO ORDERED:

Dated: New York, New York
December 13, 2019



EDGARDO RAMOS
United States District Judge